

REMARKS

This Amendment responds to the Office Action of December 30, 2005. Currently, all of the claims, 1-9, in this application stand rejected for obviousness under §103(a) based on a combination of U.S. Patent No. 6,484,969 (“Sprenger”) and U.S. Patent No. 5,058,846 (“Close”). The Office Action also rejects claims 1-9 for indefiniteness under §112, asserting that the last two lines of claim 1 are redundant with lines 4-5 thereof.

I. Section 112 Rejections

To address the rejection for indefiniteness under §112, Applicant has amended independent claim 1 by deleting “the force provided by the force assistance device is transmitted by means of a flexible force-transmitting device to the luggage compartment” in lines 4-5. As such, Applicants submit that claims 1-9 are no longer indefinite.

II. Section 103 Rejections

Claims 1-9 are rejected under § 103(a) as being unpatentable over the combination of Sprenger and Close.

In rejecting claims 1-9, Examiner states that Fig. 4 of Sprenger shows “an assistance device 4 attached to the back of a lowerable luggage compartment of an aircraft.” See Office Action, Paragraph 4. Applicants respectfully disagree.

Upon close review of Sprenger, Fig. 4 actually shows a working cylinder 4H mounted to the cabin structure of the aircraft above and to the front of the luggage compartment, and further coupled to the lowerable luggage compartment 1 by means of a lever linkage arrangement comprising lever arms 4A and 4F. See col. 5, lines 53-65. Thus, while the so-called force assistant device in Sprenger appears to be coupled to the lowerable luggage compartment, it is neither attached to nor arranged at the back of the luggage compartment. In fact, the so-called force assistance device is positioned in an overhead fashion with the primary components of the force assistance device located at the front side of the lowerable luggage compartment. Accordingly, the so-called force assistance device of Sprenger is not arranged behind the back of the lowerable luggage compartment. And, in further contrast to Sprenger, presently pending independent claim 1 also calls for a force assistance device to take the form of a module with its own housing, such module being arranged behind the back of the luggage compartment. Sprenger's so-called force assistance device clearly is not in module form and does not have its own housing.

In the rejection, Examiner also relies on Close to show spring assistance means, or spring motor 76, as the sole assistance for a flexible cable 78 that is attached to the rear of the luggage compartment. However, upon close review of Close, reference numeral 78 does not refer to a spring motor, and reference numeral 76 does not refer to a flexible cable. Instead, elements 76 and 78 are part of a mechanism operable to hide the operating parts of a moveable frame and to simultaneously provide a highly visible advertising signage. See col. 6, lines 34-37.

More specifically, numeral 78 is a retracting cylinder on which a retractable flexible screen 76, which is attached to the cylinder 78, may be wound. See col. 8, lines 61-85. While retracting cylinder 78 may comprise a spring for rewinding flexible screen 76, this does not in any way represent means to provide a supporting force to another element. At best, springs 33 and 34 of Close are provided to bias moveable frame member 11 into a first retracted position. See col. 3, lines 63-65; and Fig. 1. However, while springs 33 and 34, themselves, may serve as force-transmitting devices, there just is no force assistance device that uses a single flexible force-transmitting device, such as a flexible cable, to transfer assistance force from a force assistance device to a luggage compartment.

For these reasons, Applicants submit that one of ordinary skilled in the art would not have been motivated to combine Sprenger and Close in an effort to arrive at the claimed invention. Even assuming *arguendo* that one would combine the references, the combination of Sprenger and Close fails to disclose the claimed subject matter. More specifically, as indicated above, the references, in combination, simply fail to disclose: a) a force assistance device in the form of a module having its own housing, b) located behind the back of a lowerable luggage compartment; and c) a force assistance device using a single flexible force-transmitting device to transfer assistance force from a force assistance device to a luggage compartment or equivalent.

Accordingly, for all of the above reasons, one of ordinary skilled in the art would not combine Sprenger and Close to arrive at the lower luggage compartment of claim 1, and even

if so combined, the combination would still fail to disclose Applicant's claimed invention.

Therefore, the rejection is improper, and Applicants respectfully request that it be withdrawn.

For all of the aforementioned reasons, Applicant further respectfully submits that dependent claims 2-9, likewise, are allowable over the combination of Sprenger and Close, such claims being in condition for allowance.

Conclusion

Applicants submit that the rejections of claims 1-9 have been overcome. Accordingly, Applicants respectfully submit that this case is in condition for allowance and request allowance of the pending claims. Also, Applicants note that the German Patent and Trademark Office as well as the European Patent Office have granted patents on corresponding patent applications based on an independent claim, which apart from insignificant formal issues such as a two-part form, are substantially identical to presently pending claim 1.

If Examiner believes any detailed language of the claims requires further discussion, Examiner is respectfully asked to telephone the undersigned attorney so that the matter may be promptly resolved. Applicants also have submitted all fees believed to be necessary herewith. Should any additional fees or surcharges be deemed necessary, Examiner has authorization to charge fees or credit any overpayment to Deposit Account No. 23-3000.

Application No. 10/514,405
Response to Office Action dated March 28, 2006
Reply to Office Action of December 30, 2005

Respectfully submitted,
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